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"1. A computer implemented user interactive method for graphically displaying the proportion of a total value of a time dependent variable contributed by each of a set of elements comprising the steps of:

displaying the proportion contributed by each element as an area within an ordered set of areas under a line representative of the total value of said time dependent variable;

enabling the user to interactively select one of said set of areas; and

performing a selected operation selected from the group consisting of hiding the selected area, displaying the selected area and reordering the position of the selected area within said ordered set responsive to said user selection."

About the only thing that Havre has in common with this independent claim is that Havre does show time dependent line graphs, each showing the totals of individual variables e.g., the frequency with which Castro used each of certain individual terms: "cane", or "weapons", or "Brazil" in his speeches over a period of time. Beyond this, the reference lacks all of the other elements of Applicants' claims. There is no line in Havre representative of the total value of the respective variables to which the numbers of the respective elements add up to, e.g. a total sales to which the elements, the sales for each city contribute. In the Havre example, the total of the individual values of the use of the three words "cane", and "weapons", and "Brazil" would have no significance as a combined total. They are apparently unrelated to each other. It is the individual totals of these words that are important, and not the sum of these individual total which is not even shown or discussed

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in Havre. After all, Castro used a lot of other words in his lengthy speeches. Then as the Examiner admits, Havre does not teach manipulating the graphs of the contributing individual elements in the line graphs by either hiding and then displaying or reordering their positions.

With such a weak foundation for a 35 USC 103 rejection in the Havre reference, there is little that Rao can do to make up for the above deficiencies. Rao discloses a specific implementation in which graphical images may be rendered in tables of columns and rows for better defined presentation. While the columns and rows may be manipulated and reordered, nothing is suggested about the reordering and manipulation of the graphical images themselves or the elements making up the graphical images as in the present invention.

If anything, the Rao teaching would lead away from the present invention. Rao converts the visual graphic images into tables because his graphics can not be manipulated or reordered. Thus, the suggestion from Rao is that if you are to manipulate and reorder graphic images, you convert such images to a table format. This leads away from the present invention.

Therefore, Applicant submits that the proposed combination of Havre and Rao references is being made not with the requisite foresight of one skilled in the art, but rather with the hindsight obtained solely by the teaching of the present invention. This approach cannot be used to render Applicant's invention unpatentable.

What the Examiner has done is used Applicant's disclosure as a guideline, and the picked and combined elements from each of the Havre and Rao references based solely of Applicant's own teaching.

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"To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art references of record convey nor suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." W. L. Gore, 721 F 2d at 1553, 220 USPQ, pp. 312-313.

"One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fine, 5 USPQ 2d 1596 (C.A.F.C.) 1988.

Accordingly, it is submitted that the suggestion for combining Havre and Rao in the manner proposed by the Examiner could only come from Applicants' own teaching, and, thus, cannot form any basis for a combination of references.

Furthermore, there is still nothing in the combination which would suggest the element of the present invention as set forth above: an ordered set of areas under a line representative of the total value of said time dependent variable.

In addition for being patentable for all of the reasons set forth hereinabove, specific claims 7, 14, and 21 may be even further distinguished from the combination of Havre in view of Rao. Claims 7, 14, and 21 define an implementation (illustrated by ordered icons 71, 72, 75 in Figs. 3 and 4 of the present Application) wherein a plurality of icons on the display each represent one of the individual areas; and the user may interactively reorder the position of the selected area by reordering the position of the selected icon representative of the selected area.

For this specific implementation, the Examiner points to thematic labels 49 in Havre. The sole purpose of these labels in Havre is to identify the layers in the graphs.

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Insofar as Applicants can determine, these labels are not user-interactive for any purpose.

Applicants respectfully traverse the rejection of claims 21-23 under 35 U.S.C. 103(a) as being unpatentable over the combination of Havre and Rao as set forth above further in view of Yonts et al. (US6,590,577).

The Yonts Patent is Owned by the Assignee of the Present Application, and Thus Can Not Preclude Patentability Under 35 U.S.C. 103(c).

The present Application and the Yonts Patent reference were commonly owned by International Business Machines Corporation, the Assignee herein at the time the invention of the present Application was made.

The file of the present Application indicates that an Assignment of the present Application to said Assignee is filed in the Patent Office. Also the printed Yonts Patent indicates that it is assigned to the same Assignee.

Since the present Application has a filing date after November 29, 1999, and the Yonts Patent would qualify as prior art under the provisions of 35 U.S.C. 102(e), it is submitted that the Yonts patent can not be used to preclude patentability based upon 35 U.S.C. 103(c). [Examiner's attention is directed to MPEP Sections 706.02(l); (l)(1); (l)(2); and (l)(3)]. Accordingly, Examiner is respectfully requested to withdraw Yonts as a reference.

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In view of the foregoing, claims 1-23 are submitted to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

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